OIPE JUN 03 2003 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail Certificate Under 37 C.F.R. §1.10

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 029680715 US
DATE OF DEPOSIT: June 3, 2003

I, J. Robert Brown, Jr., hereby certify that this paper (along with any papers and fees referred to as being attached or enclosed or actually enclosed) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above, with sufficient postage, and is addressed as follows:

MAIL STOP RCE
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Signature of person mailing paper

In re Application of:	Krout et al.
Serial No.:	09/800,387
Filing Date:	March 5, 2001
Group Art Unit:	3679
Examiner:	Collins, Giovanna M.
For:	***Polyfusion Pipe Repair System and Method***

RECEIVED JUN 10 2003 GROUP 3600

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, William E. Muston, hereby declare that I am a representative authorized to act on behalf of the assignee, Basic Resources, Inc., of the invention that is described and claimed in the above-identified patent application. My title is

Manager of Research and Development for TXU Business Services, a subsidiary of TXU Corp. My responsibilities include evaluating inventions and supporting the determination of pursuing the appropriate legal protection for inventions. I also hereby declare that, prior to January 12, 2000, I received evidence of the invention that is described and claimed in the above-identified patent application, as evidenced by the following:

1. Prior to January 12, 2000, I received a disclosure of the invention. At the time of the invention, the inventors of the above-identified invention owed a duty of assignment of the invention to TXU Corp. (hereafter "TXU"), owner of the Assignee, Basic Resources, Inc., of the above-identified patent application.

2. Prior to January 12, 2000, a description of one aspect of the invention was submitted to me as an appropriate party responsible for research and development at TXU. A date redacted copy of portions of the invention disclosure is attached hereto as Exhibit A.

3. From February of 2000 until the end of May of 2000, I had several meetings with parties at TXU. I also met with the inventors of the above-identified invention and TXU's outside patent counsel for purposes of obtaining approval to file a patent application for the invention.

4. To the best of my knowledge, myself and other parties at TXU followed the standard procedures in reviewing and subsequently approving of the filing of a patent application on the above-identified invention.

5. From June of 2000 until December of 2000, I participated in disclosure conferences with outside patent counsel, all intended to assist outside patent counsel in preparing a patent application for the invention.

6. On March 5, 2001, the above-identified patent application was filed (see, filing receipt for the application).

7. To the best of my knowledge, I further declare that Mr. Jeffery L. Krout, co-inventor of the above-identifed patent application, is no longer employed with TXU and that I have not been able to locate Mr. Krout. A number of attempts to establish communications with Mr. Krout, including through his previous supervisor at TXU and at his prior place of residence, have been unsuccessful.

I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT: William E. Muston

William E. Muston

June 2, 2003

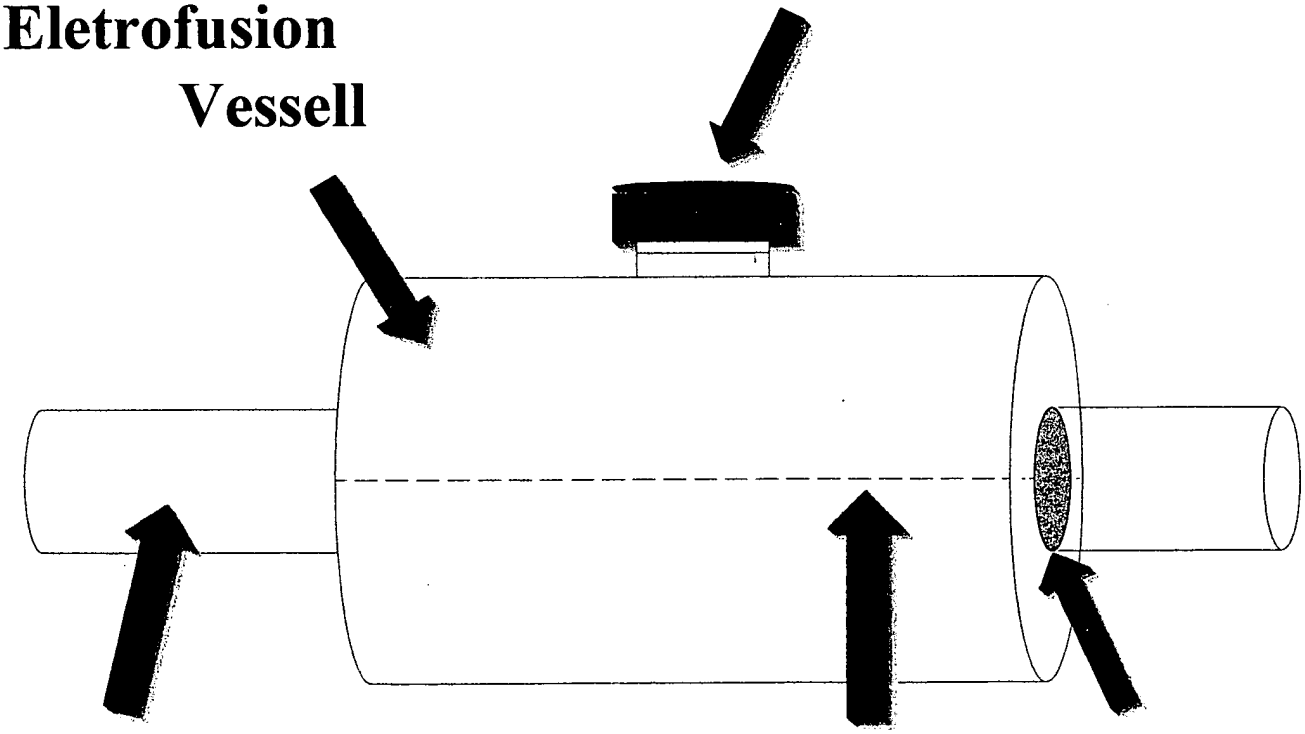
Date

Polyethyline Electrofusion Vessell

(NOT TO SCALE)

The "tap" on top of the vessell can be utilized for a wide variety of functions.

Polyethyline Eletrofusion Vessell



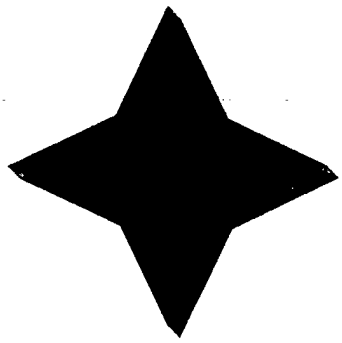
Polyethyline pipe carrying natural gas. (pipe sizes vary)

Vessell fuses to both pipe ends and around the vessell seams where the two halves of the vessell are placed together. When complete, the fusion made will bond the vessell to the pipe, cover the damaged area of the pipe, and prevent any future gas leak.

EXHIBIT A

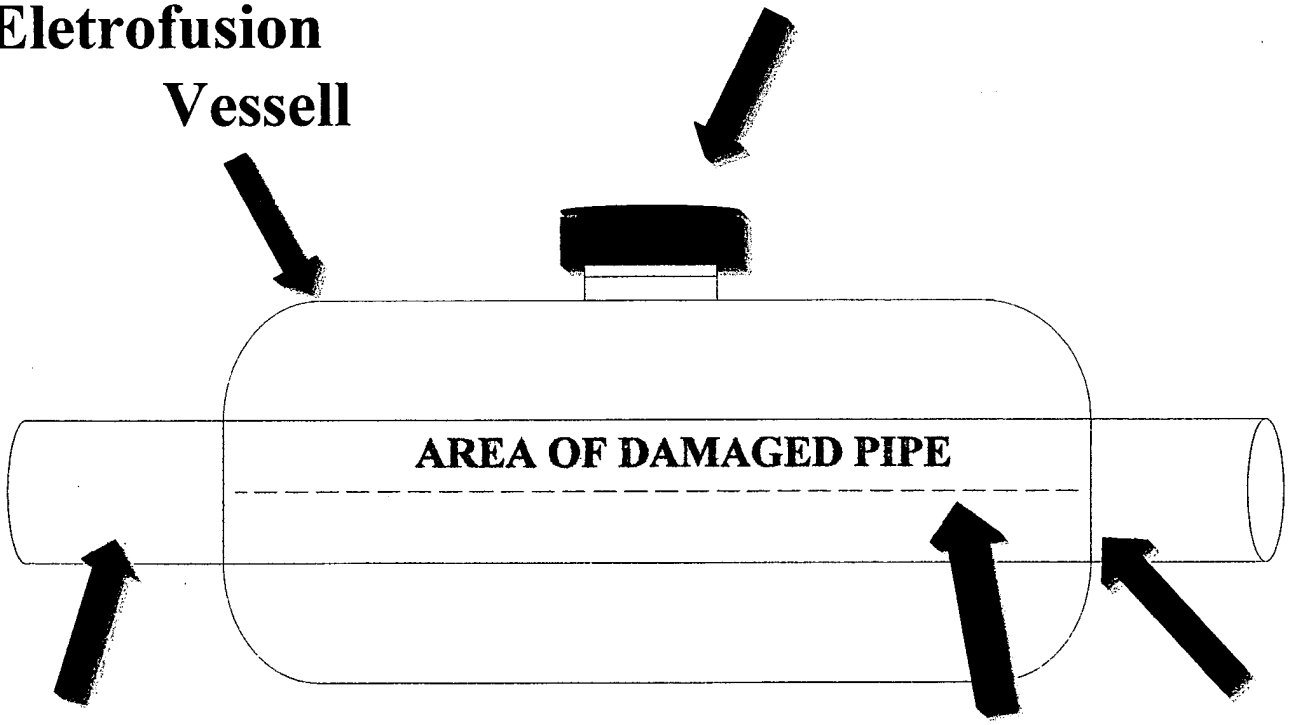
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Vessell seams around the two halves and around the pipe fuse together using the electrofusion method.

POLYETHYLINE ELETROFUSION VESSELL

- **Don't** have to squeeze pipe to control flow of gas.....No squeeze points

- **Don't** have to worry about line pressure.....L.P.....I.P.

- **Don't** have to worry about line feeds.....One-way.....Two way

- **Don't** have to worry about bypassing the damaged area of pipe

- **Don't** have to shut off any flow valves

- **Don't** have to dig large excavations to make room for repairs, thus saving time and money associated with paving and landscaping costs

- **Don't** have to gauge line pressure during repairs

- **Don't** have to get and use all of the fittings and material that would be necessary without a poly vessell

- **Don't** have to worry about all of the fittings and material that would have to be used , without a vessell, from ever leaking

- **Don't** have to purge air from a repaired section of pipe, Thus making the job safer for our employees, our customers, and the general public

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Mitchell D. Giannola, hereby declare that I am a co-inventor of the invention that is described and claimed in the above-identified patent application. I also hereby declare that

prior to January 12, 2000, I completed, in the United States, the invention that is described and claimed in the above-identified patent application as evidenced by the following:

1. Prior to January 12, 2000, I conceived of the invention. At the time of the invention, I owed a duty of assignment of the invention to TXU Corp. (hereafter "TXU"), owner of the Assignee, Basic Resources, Inc., of the above-identified patent application.

2. After I conceived of the invention, and prior to January 12, 2000, I submitted a description of one aspect of the invention to the appropriate parties responsible for research and development at TXU. A date redacted copy of portions of my invention disclosure is attached hereto as Exhibit A.

3. From February of 2000 until the end of May of 2000, I had several meetings with the parties responsible for research and development at TXU and TXU's outside patent counsel for purposes of obtaining approval to file a patent application for the invention.

4. To the best of my knowledge, the parties at TXU responsible for research and development followed the standard procedures in reviewing and subsequently approving of the filing of a patent application.

5. From June of 2000 until December of 2000, I participated in disclosure conferences with outside patent counsel, and provided additional supporting materials to outside patent counsel, all intended to assist outside patent counsel in preparing a patent application for the invention.

6. On December 14, 2000, I was forwarded a first draft of a patent application prepared by outside patent counsel. A copy of the transmittal letter sending the draft to me for review is attached hereto as Exhibit D.

7. On January 30, 2001, I was forwarded revised formal papers for my execution related to the filing of the patent application. A copy of the transmittal letter sending the revised formal papers is attached hereto as Exhibit E.

9. On February 1, 2001, I executed the above-identified patent application (see, my signed declaration filed with the application).

10. On March 5, 2001, the above-identified patent application was filed (see, filing receipt for the application).

I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT: 

Mitchell D. Giannola

6-2-03

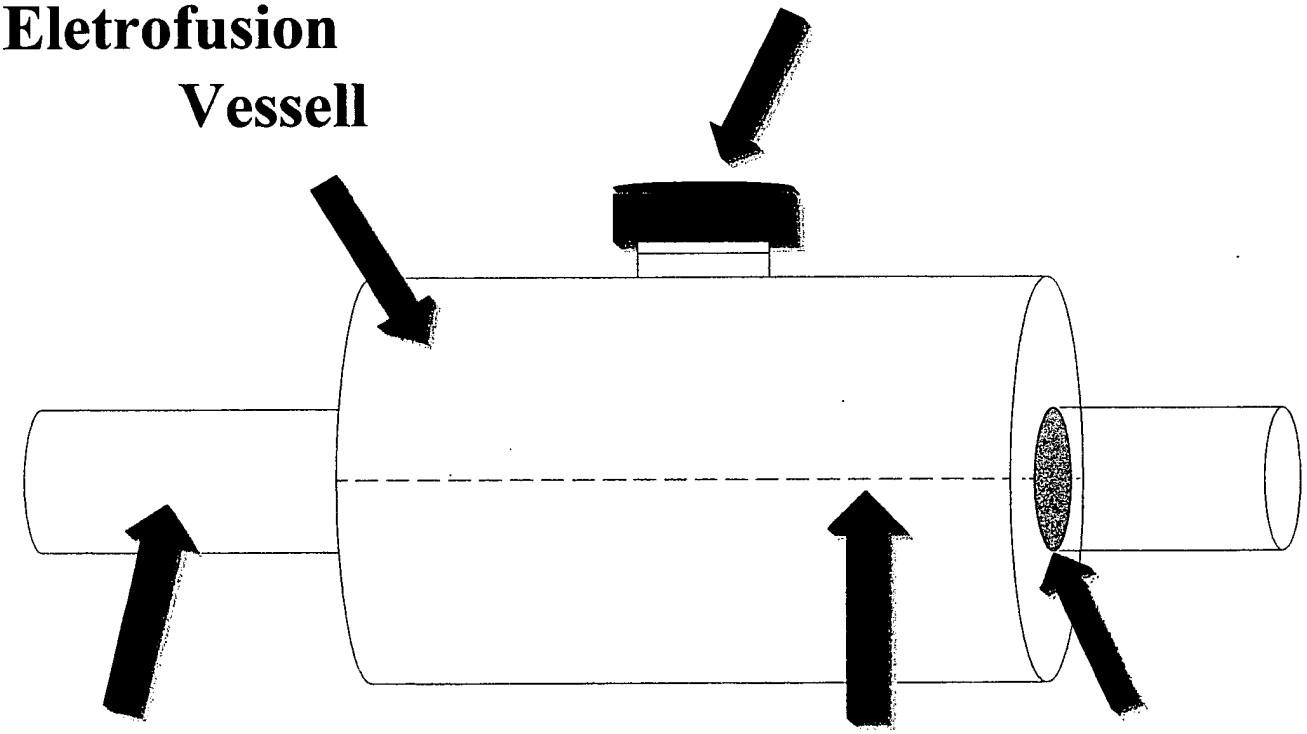
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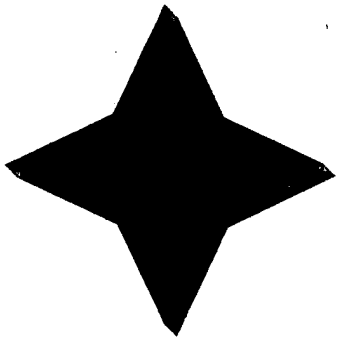
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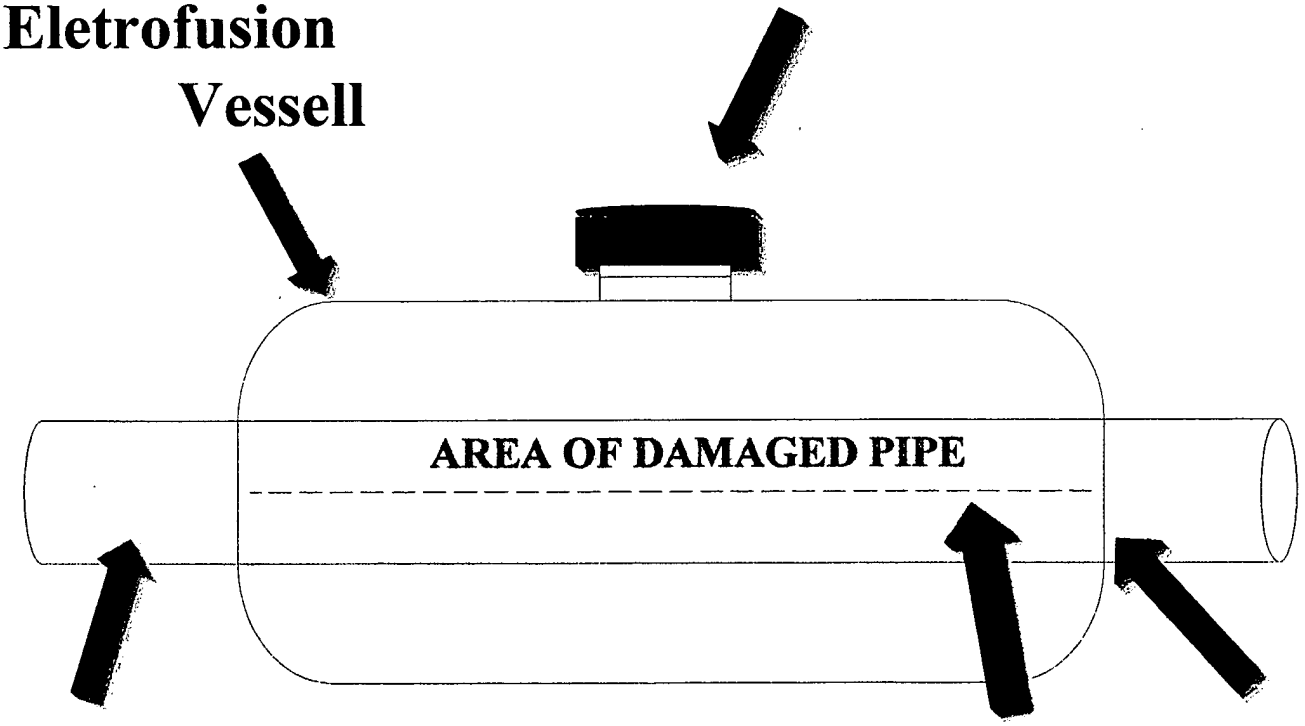
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Worsham Forsythe Wooldridge LLP

J. Robert Brown, Jr.
Direct Dial: 214.979.3093
Email: rbrown@worsham.net

December 14, 2000

Mitchell D. Giannola
7655 Cypress Court
North Richland Hills, Texas 76180

Re: USPA - *Apparatus and Method for Repairing Plastic Pipe*
Our File: BASI.IP2020

Dear Mr. Giannola

Enclosed is a draft of the Apparatus and Method for Repairing Plastic Pipe patent application. Also enclosed is a Declaration and Power of Attorney and Assignment which require you signature, the Assignment must be notarized as well.

The claims at the end of the patent application should include the minimum number of elements necessary for the invention to work and are infringed only when each and every element is present in an infringing device. Therefore, if any elements can be eliminated from the independent claims, that is, the claims that do not reference other claims, please let me know so that we can make changes.

Please review the draft of the patent application carefully. We will not be able to make substantive changes to the application once it is filed with the United States Patent and Trademark Office. The application should accurately and adequately describe your invention. As part of your review, please ensure that the application as written would enable one skilled in the art, such as someone with your level knowledge and experience, to make and use the invention without undue experimentation. Also, the application must set forth the best mode contemplated by you for carrying out the invention. Please let me know if the application requires changes to enable one skilled in the art or to enable the best mode.

You are reminded of your continuing obligation to disclose to the United States Patent and Trademark Office any prior art which might be considered relevant in determining the patentability of your invention. "Prior art" includes patents or other publicly available

EXHIBIT D

information and other products, devices or methods, which were in use before the invention was made by you or which were available more than one year before the filing date of this application, and which relate to the invention in some way. We will provide the United States Patent and Trademark Office with the patents discovered during our search and any other information you have furnished to us. If you are now aware, or if at any time while the application is pending you become aware, of any relevant prior art which we have not already provided to the United States Patent and Trademark Office, please let us know. An intentional failure to disclose relevant information could affect the validity and enforceability of any patent which might be granted.

Please return the patent application along with the executed Assignment and Declaration and Power of Attorney to me. If you have any questions, please do not hesitate to give me a call at 214.979.3093.

Very truly yours,

J. Robert Brown, Jr.

JRB:tsmc
Enclosure(s)

Worsham Forsythe Wooldridge LLP

J. Robert Brown, Jr.
Direct Dial: 214.979.3093
Email: rbrown@worsham.net

January 30, 2001

Mitchell D. Giannola
7655 Cypress Court
North Richland Hills, Texas 76180

Re: USPA - *Apparatus and Method for Repairing Plastic Pipe*
Our File: BASI.IP2020

Dear Mr. Giannola

In connection with the above-referenced matter, I am in receipt of your executed Assignment and Declaration and Power of Attorney. However, we noticed an error on the Assignment. Therefore, I have enclosed a revised Assignment for your signature. I am also enclosing a duplicate original of the Declaration and Power of Attorney which must be simultaneously executed.

Please return the executed documents to me in the enclosed, self-addressed, stamped envelope which I have provided for your convenience. I apologize for any inconvenience this may cause. If you have any questions, please do not hesitate to give me a call at 214.979.3093.

Very truly yours,

J. Robert Brown, Jr.

JRB:tsmc
Enclosure(s)

EXHIBIT E